



**Minutes for Meeting of
Thursday, April 8, 2004**

Item-1: Call to Order.

Chairwoman Dorothy Smith called the meeting to order at 5:00 p.m.

Item-2: Roll Call.

Present – Chairwoman Dorothy Smith, Commissioners Charles H. Dick, Jr., Dorothy Leonard, Greg Vega, and Larry W. Westfall.

Staff – Executive Director Stacey Fulhorst, Deputy City Attorney Dave James, Legal Assistant Steve Ross, Executive Secretary Janet MacFarlane.

Excused – Vice Chairwoman April Riel and Commissioner Karen Thomas-Stefano

Item-3: Reporting Results of Closed Session.

Chairwoman Smith reported the results of the Closed Session Meeting of March 11, 2004.

Conference with Legal Counsel (3 Potential Matters)

Case No. 2004-08

Motion: Initiate Investigation

Moved/Seconded: Westfall/Stefano

Vote: Unanimous

Excused: Dick/Smith

Case No. 2004-09

Motion: Initiate Investigation

Moved/Seconded: Vega/Leonard

Vote: Unanimous

Excused: Dick/Smith

Case No. 2004-10

Motion: Initiate Investigation

Moved/Seconded: Leonard/Vega

Vote: Unanimous

Excused: Dick/Smith

Conference with Legal Counsel (1 Potential Matter)

Case No. 2004-07

Motion: Dismiss

Moved/Seconded: Westfall/Stefano

Vote: Unanimous

Excused: Dick/Smith

Item-4: Approval of Commission Minutes

APPROVAL OF COMMISSION MINUTES OF MARCH 11, 2004

This item was trailed to the Ethics Commission meeting of May 13, 2004.

Melvin Shapiro asked for clarification on the reporting results of closed session included in the draft minutes of March 11, 2004.

Item 5: Non-Agenda Public Comment

None.

Item 6: Commissioner Comment

None.

Item 7: Executive Director Comment

None.

Item 8: Deputy City Attorney Comment

None.

Item 9: Proposed Revisions to ECCO

Stacey Fulhorst reviewed potential modifications to ECCO for Commission consideration. There was discussion regarding the state law provision that addresses the making of contributions by an intermediary or agent.

Melvin Shapiro recommended that the term "intermediary" be defined in the City's ordinance.

Motion: Approve recommendation to incorporate state law regarding contributions made by Intermediary of Agent
Moved/Seconded: Leonard/Vega
Vote: Unanimous
Excused: Riel/Stefano.

There was additional discussion regarding contributions for the primary and general elections. In particular, the Commission discussed whether a committee could accept a \$500 contribution without some written evidence from the contributor that \$250 was intended for the primary election, and \$250 for the general election. The Commission reached a consensus that the current ordinance does not require evidence of the contributor's intent, and that there is no need to propose any amended language concerning this issue. The Commissioners clarified that a recipient committee could apportion a contribution to any election, as long as a contributor did not exceed \$250 per election, and as long as the apportionment did not contradict the contributor's express intent. They discussed the fact that the current proposed language on surplus funds addresses the disposal of general election contributions should a candidate lose or withdraw from the primary election.

The Commission also discussed whether or not the current ordinance allows a committee to spend leftover primary election contributions on general election expenses, and general election contributions on primary debt, following the primary election. The Commission considered whether the contribution limits set forth in ECCO mandate that only \$250 per contributor be spent on any one election. They ultimately reached a consensus that the ordinance only addresses the making of contributions, not the spending of contributions by committees. However, they pointed out that the spending of general election funds on primary expenses before the conclusion of the primary election would be a clear violation of ECCO. They further agreed that amendments to this section of ECCO are not necessary.

By consensus, the Commission recommended that ECCO be revised to allow contributions from family trusts.

Item 10: Proposed Establishment of Guidelines for Ethics Commissioners

Chairwoman Smith distributed written comments for discussion about additional guidelines with respect to Commission members representing clients that could have matters pending before the City. This item will be docketed for discussion at the Commission's meeting of May 13, 2004.

Item 11: Adjournment to Closed Session

Chairwoman Dorothy Smith adjourned the meeting to Closed Session at approximately 6:50 p.m. She stated if the Commission took any action that must be

reported pursuant to the Brown Act, the Commission would reconvene into Open Session to report on that action.

Item 12: Reconvene to Report Closed Session Action

The Commission reconvened at 7:30 p.m.

Reporting Results of Closed Session.

Chairwoman Smith reported that the Commission had approved a Stipulation, Decision and Order with Equity Residential Properties Management Corporation in final settlement of Case No. 2004-04, and copies of the Stipulation are available to the public.

Item 14: Adjournment

The Commission meeting adjourned at 7:35 p.m.

Dorothy L. Smith, Chairwoman
Ethics Commission

Janet MacFarlane , Executive Secretary
Ethics Commission

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST.